

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**TYKIESHA WARD and JARVIS
STEWART, Each Individually and
on Behalf of All Others Similarly
Situated,**

Plaintiffs,

v.

PIVOTAL RETAIL GROUP, LLC,

Defendant.

CIVIL ACTION FILE

NO. 1:22-CV-3182-MHC

ORDER

This case comes before the Court on the parties' Joint Motion for Court Approval of FLSA Settlement and Release Agreement [Doc. 46]. The Court reviewed the Wage and Hour Settlement Agreement and Release Agreement ("Settlement Agreement") [Doc. 46-2] to determine its adequacy and consistency with the requirements of the Fair Labor Standards Act, 29 U.S.C. § 216. See Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982). Based on its review of the parties' Settlement Agreement and the record in this case, the Court concludes: (1) the terms of the Settlement Agreement are a fair, reasonable, and adequate resolution of this action; and (2) the Settlement

Agreement was reached in an adversarial context where both parties had legal representation. Having reviewed the proposed Settlement Agreement, the Court finds it to be a reasonable settlement of Plaintiffs' claims under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201 et seq.

Accordingly, it is hereby **ORDERED** that the parties' Joint Motion for Court Approval of FLSA Settlement and Release Agreement [Doc. 46] is **GRANTED**. Upon consideration of the parties' motion, the Court **ORDERS** that the payments of the settlement amount and attorney's fees shall be made as provided in the Settlement Agreement. Except as stated in the Settlement Agreement, each party shall bear its own costs of litigation, including attorney's fees.

It is **FURTHER ORDERED** that all claims in the above-styled action are hereby **DISMISSED** with prejudice.

The Clerk is directed to **CLOSE** the case.

IT IS SO ORDERED this 9th day of May, 2024.



MARK H. COHEN
United States District Judge